

EXHIBIT - 1

PLAINTIFF'S AFFIDAVIT

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

NICHOLE WALLACE
Individually
And on behalf of all
similarly situated persons

Plaintiffs

V.

SHELDON J. FINKEL, DDS

Defendant.

Case No: 2:06-CV-5

AFFIDAVIT OF PLAINTIFF

BEFORE ME, the undersigned authority, personally appeared NICHOLE WALLACE
who, being first duly sworn upon her oath, did depose and say as follows:

“My name is Nichole Wallace, the plaintiff herein; the following facts are true and correct and are based on my personal knowledge.

“On or about October 14, 2005, I telephoned Dr. Sheldon Finkel’s dental office to make an appointment as a new patient. Personnel at the defendant’s business requested certain information from me, purportedly for the purpose of opening a ‘new patient file.’ I provided the information requested, upon representation believing that it would be used solely for the purpose of opening a new patient file. At no time did Dr. Finkel’s personnel advise me that my credit report would be checked, nor did I otherwise consent to a credit check.

“I was advised and understood that I would be required to pay for my treatment at the time of service and I was prepared to do so; at no time did I contemplate entering into a credit transaction with Dr. Finkel’s office. In fact, at that time I maintained comprehensive health

insurance through Principal Financial Group. I informed the office person that my coverage included dental services because I wanted to be sure that his office accepted Principal Financial Group payments.

“On the same day, Dr. Finkel requested and received a consumer report on me from Experian.

“I have had credit difficulties in the past, and I know that excessive inquiries can harm my credit score. I feel that my credit rating has been harmed and my privacy has been invaded.

“All I wanted was dental care. This unconsented and unwarranted invasion has caused me embarrassment, apprehension, and dismay.”

Further, deponent saith not.



NICHOLE WALLACE

Affiant

SWORN TO and SUBSCRIBED before me this 23rd day of May, 2006.



NOTARY PUBLIC, Alabama at Large

My commission expires 9/19/07